

JOHN DAVLIN.

[To accompany bill H. R. No. 493.]

JUNE 10, 1842.

Mr. MOORE, from the Committee on Private Land Claims, made the following

REPORT:

*The Committee on Private Land Claims, to which was referred, by a resolution of the House, "the expediency of reviving the act entitled, 'An act for the relief of John Davlin,' approved on the 2d of March, 1839, which expired two years thereafter," with the original petition and accompanying papers, ask leave to report:*

That, on examination, they find the said John Davlin was the legal and bona fide owner of a land claim, amounting to three hundred and twenty acres, which had been duly established, and, being such owner, sold and transferred the same to Hiram Cliff, who applied at the proper land office in due time to locate said claim, and submitted numbers for that purpose, intended to cover his improvement. This application, it seems, was rejected by the register and receiver of the said land office on the ground that the authority for making the location was insufficient. He procured, some time afterwards, authority in proper form, but previously ascertained that the numbers submitted in the first instance did not embrace his improvement, and so informed the register and receiver, exhibiting, at the same time, the numbers which would, and embracing the land originally intended to be entered. After having procured appropriate and regular authority to make the location, he applied again for that purpose, substituting the numbers necessary to cover his improvement, and, contrary to the original action of the land officers, and the subsequent assurance of one of them, he found that they had, without any notice to him, and without his knowledge or consent, reconsidered their original adjudication rejecting his application, located the claim on numbers not intended, certified the same to the Commissioner of the General Land Office, and a patent had actually issued thereon. By this erroneous and irregular proceeding, the claim was located on land, and a patent issued therefor, of which the petitioner had no knowledge, did not want, and utterly useless to him. As no other alternative was left, he applied to Congress for relief, and a law for that purpose was passed on the 2d of March, 1839, in the name, however, of John Davlin. The petitioner, residing in a remote part of the country, and being unable to read, did not learn that such law had been passed until after the lapse of two years, when it expired. The testimony is all of the most undoubted character, and, under the circumstances, the committee are of opinion that justice to the petitioner requires that the act of the 2d of March, 1839, for the relief of John Davlin, should be revived, and they report a bill accordingly.

